

Senate Chamber, Atlanta, Georgia
Monday, January 24, 2005
Fourth Legislative Day

The Senate met pursuant to adjournment at 1:00 p.m. today and was called to order by the President.

Senator Balfour of the 9th reported that the Journal of the previous legislative day had been read and found to be correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

The following Senate legislation was introduced, read the first time and referred to committee:

SB 6. By Senators Stoner of the 6th, Rogers of the 21st, Hill of the 32nd, Thompson of the 33rd, Hamrick of the 30th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the Georgia Crime Information Center, so as to authorize the exchange of national criminal history background checks on providers of care to children, the elderly, and persons with disabilities, including, but not limited to, volunteers with youth sports organizations and other youth activities; to define terms; to provide for conformity with federal law; to provide for rules and regulations; to provide for fees; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Special Judiciary Committee.

SB 13. By Senators Rogers of the 21st, Seabaugh of the 28th, Mullis of the 53rd and Hill of the 32nd:

A BILL to be entitled an Act to amend Code Section 10-1-393 of the Official Code of Georgia Annotated, relating to unfair or deceptive practices in consumer transactions, so as to provide a short title; to provide for definitions; to provide that the terms of gift certificates, store gift cards, and general use prepaid cards shall be disclosed at the time of purchase and through certain notifications; to provide for related matters; to provide an effective date; to

repeal conflicting laws; and for other purposes.

Referred to the Agriculture and Consumer Affairs Committee.

SB 19. By Senators Johnson of the 1st, Balfour of the 9th, Wiles of the 37th, Hill of the 32nd, Williams of the 19th and others:

A BILL to be entitled an Act to amend Code Section 9-11-23 of the Official Code of Georgia Annotated, relating to class actions, so as to provide for procedures, conditions, and limitations on certification of class actions; to provide for appellate procedures relating to class actions certification; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Judiciary Committee.

SB 20. By Senators Butler of the 55th, Henson of the 41st, Seay of the 34th, Fort of the 39th, Tate of the 38th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to assault and battery, so as to provide for the crime of female genital mutilation; to provide for penalties; to provide for exceptions; to provide that certain statutory privileges shall not be available; to provide for applicability; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Judiciary Committee.

SB 21. By Senators Butler of the 55th, Henson of the 41st, Brown of the 26th, Reed of the 35th, Seay of the 34th and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 25 of the Official Code of Georgia Annotated, relating to the regulation of fire and other hazards to persons and property generally, so as to provide that after July 1, 2005, each new dwelling or dwelling unit shall be equipped with a carbon monoxide detector or alarm; to provide for standards; to provide for enforcement; to provide a penalty; to provide for other related matters; to repeal conflicting laws; and for other purposes.

Referred to the Regulated Industries and Utilities Committee.

- SB 23. By Senators Butler of the 55th, Henson of the 41st, Weber of the 40th, Miles of the 43rd, Adelman of the 42nd and others:

A BILL to be entitled an Act to establish the "DeKalb County Commission on Disability"; to provide for appointment of members of the commission; to provide for other matters relative thereto; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

- SB 30. By Senators Pearson of the 51st, Seabaugh of the 28th, Williams of the 19th, Cagle of the 49th, Heath of the 31st and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 2 of Title 22 of the Official Code of Georgia Annotated, relating to proceedings before a special master, so as to provide for inverse condemnation proceedings before a special master; to change certain provisions regarding definitions; to provide for procedures, conditions, and limitations; to provide for damages; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Judiciary Committee.

- SB 31. By Senators Smith of the 52nd, Heath of the 31st and Thomas of the 54th:

A BILL to be entitled an Act to amend Code Section 15-6-2 of the O.C.G.A., relating to the number of judges of superior court, so as to provide for a fourth judge of the superior courts of the Cherokee Judicial Circuit; to provide for the appointment of such additional judge by the Governor; to provide for the election of successors to the judge initially appointed; to prescribe the powers of such judge; to prescribe the compensation, salary, and expense allowance of such judge to be paid by the State of Georgia and the counties comprising said circuit; to authorize the judges of such circuit to divide and allocate the work and duties thereof; to provide for the manner of impaneling jurors; to declare inherent authority; to provide effective dates; to repeal conflicting laws; and for other purposes.

Referred to the Judiciary Committee.

- SB 32. By Senators Smith of the 52nd, Mullis of the 53rd, Tolleson of the 20th, Kemp of the 46th, Hill of the 32nd and others:

A BILL to be entitled an Act to amend Code Section 15-9-1 of the Official

Code of Georgia Annotated, relating to election and term of judges of the probate court, so as to provide that the office of judge of probate court shall be elected on a nonpartisan basis; to amend Code Section 21-2-138 of the Official Code of Georgia Annotated, relating to nonpartisan elections for judicial offices, so as to provide for the election of judges of probate court at nonpartisan elections; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Judiciary Committee.

SB 33. By Senators Moody of the 56th, Douglas of the 17th, Balfour of the 9th, Hooks of the 14th, Bulloch of the 11th and others:

A BILL to be entitled an Act to amend Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, the "Quality Basic Education Act," so as to change certain provisions relating to determination of enrollment by institutional programs; to authorize the establishment of the Georgia Virtual School; to provide for rules and regulations; to provide for a Georgia Virtual School grant account; to provide for statutory construction; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Education and Youth Committee.

SB 34. By Senators Moody of the 56th, Weber of the 40th, Johnson of the 1st, Williams of the 19th, Thomas of the 54th and others:

A BILL to be entitled an Act to amend Article 6 of Chapter 2 of Title 20 of the O.C.G.A., the "Quality Basic Education Act," so as to provide for legislative findings; to provide for the establishment of the "Georgia Master Teacher Program"; to provide for the establishment of criteria for Master Teacher Certification; to provide for the establishment of rules and regulations by the Professional Standards Commission; to provide for the establishment of the "Academic Coach Program"; to provide for the establishment of rules and regulations by the State Board of Education; to provide for the employment of an academic coach by a public school in accordance with a school improvement plan; to provide for monetary and other incentives for academic coaches; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Education and Youth Committee.

- SB 35. By Senators Moody of the 56th, Carter of the 13th, Stephens of the 27th, Starr of the 44th, Hill of the 4th and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 20 of the O.C.G.A., relating to elementary and secondary education, so as to provide for the revision of certain provisions regarding education flexibility; to change certain provisions relating to expenditure controls for the 2005-2006 school year; to change certain provisions regarding program weights; to change certain provisions regarding legislative intent with respect to charter schools; to change certain provisions regarding minimum requirements for charter petitions; to repeal Code Section 20-2-2063.1; to change certain provisions regarding operation, control, and management requirements for charter schools; to amend Code Section 40-5-22; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Education and Youth Committee.

- SB 36. By Senator Jones of the 10th:

A BILL to be entitled an Act to amend Title 9 of the O.C.G.A., relating to civil practice, so as to enact a new chapter relating to medical malpractice actions; to provide for applicability; to provide for definitions; to provide for qualifications of health care providers under the chapter; to provide for proof of financial responsibility and surcharges by health care providers; to provide for procedures for the establishment of financial responsibility; to provide for an annual surcharge on health care providers; to provide for the computation and collection of an annual surcharge; to provide for the creation of the patient's compensation fund; to provide for related matters; to provide for related matters; to provide for a contingent effective date; to repeal conflicting laws; and for other purposes.

Referred to the Judiciary Committee.

- SB 37. By Senator Johnson of the 1st:

A BILL to be entitled an Act to provide for a homestead exemption from City of Richmond Hill ad valorem taxes for municipal purposes in an amount equal to the amount by which the current year assessed value of a homestead exceeds the adjusted base year assessed value of such homestead; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for a referendum, effective dates, and

automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

SB 38. By Senator Johnson of the 1st:

A BILL to be entitled an Act to provide for a homestead exemption from Bryan County ad valorem taxes for county purposes in an amount equal to the amount by which the current year assessed value of a homestead exceeds the adjusted base year assessed value of such homestead; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

SB 39. By Senator Johnson of the 1st:

A BILL to be entitled an Act to provide for a homestead exemption from Bryan County School District ad valorem taxes for educational purposes in an amount equal to the amount by which the current year assessed value of a homestead exceeds the adjusted base year assessed value of such homestead; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

SB 40. By Senator Johnson of the 1st:

A BILL to be entitled an Act to provide for a homestead exemption from City of Pembroke ad valorem taxes for municipal purposes in an amount equal to the amount by which the current year assessed value of a homestead exceeds the adjusted base year assessed value of such homestead; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

SB 41. By Senator Smith of the 52nd:

A BILL to be entitled an Act to amend Article 3 of Chapter 3 of Title 50 of the Official Code of Georgia Annotated, relating to state symbols, so as to designate the green tree frog as the official state amphibian; to provide for legislative findings; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Rules Committee.

SB 42. By Senator Douglas of the 17th:

A BILL to be entitled an Act to amend an Act incorporating the City of Social Circle, approved August 4, 1904 (Ga. L. 1904, p. 626), as amended, so as to change the corporate limits of the city; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

SB 43. By Senators Wiles of the 37th and Douglas of the 17th:

A BILL to be entitled an Act to amend Part 3 of Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to the Georgia Student Finance Authority, so as to establish the Georgia HERO (Helping Educate Reservist Offspring) Scholarship; to provide for definitions; to provide for scholarship grants; to provide for application procedures; to provide for rules and regulations; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Higher Education Committee.

SR 21. By Senators Kemp of the 46th, Grant of the 25th, Tate of the 38th and Hamrick of the 30th:

A RESOLUTION creating the Joint Early Learning Initiative Commission; and for other purposes.

Referred to the Education and Youth Committee.

SR 22. By Senators Seay of the 34th, Tate of the 38th and Starr of the 44th:

Proposing an amendment to the Constitution so as to provide for maximum teacher-student ratios for kindergarten and grades one through three in public

schools; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Education and Youth Committee.

SR 23. By Senators Johnson of the 1st and Harbison of the 15th:

A RESOLUTION creating the Joint Port Authority for the Port of Savannah Study Committee; and for other purposes.

Referred to the Interstate Cooperation Committee.

The members pledged allegiance to the flag.

Senator Cagle of the 49th introduced the chaplain of the day, Pastor Jeff Benefield of Flowery Branch, Georgia, who offered scripture reading and prayer.

The roll was called and the following Senators answered to their names:

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|----------|-------------|------------|
| Adelman | Hill,Jack | Smith |
| Balfour | Hill,Judson | Starr |
| Brown | Hooks | Staton |
| Bulloch | Hudgens | Stephens |
| Butler | Johnson | Stoner |
| Cagle | Jones | Tate |
| Carter | Kemp | Thomas,D |
| Chance | Me V Bremen | Thomas,R |
| Chapman | Miles | Thompson,C |
| Douglas | Moody | Thompson,S |
| Fort | Mullis | Tolleson |
| Goggans | Pearson | Unterman |
| Golden | Powell | Walker |
| Grant | Rogers | Weber |
| Hamrick | Schaefer,N | Whitehead |
| Harbison | Seabaugh | Wiles |
| Harp | Seay | Williams |
| Heath | Shafer,D | Zamarripa |
| Henson | | |

Not answering was Senator Reed.

Senator Reed was off the floor of the Senate when the roll was called and wishes to be recorded as present.

The following resolutions were read and adopted:

SR 24. By Senator Thompson of the 5th:

A RESOLUTION commending the United Ebony Society of Gwinnett County; and for other purposes.

SR 25. By Senator Tolleson of the 20th:

A RESOLUTION recognizing and commending Kings Chapel Elementary School on its designation as a 2005 Georgia School of Excellence in Student Achievement; and for other purposes.

SR 26. By Senator Moody of the 56th:

A RESOLUTION commending Collin Rose on becoming an Eagle Scout; and for other purposes.

Senator Douglas of the 17th and Pearson of the 51st spoke to SR 27, honoring 1st Lieutenant Patrick Evans.

The following resolution was read and put upon its adoption:

SR 27. By Senators Douglas of the 17th and Pearson of the 51st:

A RESOLUTION recognizing and commending 1st Lieutenant Patrick Evans for his outstanding service in the United States Army; and for other purposes.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

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| Y Adelman | Y Hill,Jack | Y Smith |
| Y Balfour | Y Hill,Judson | Y Starr |
| Y Brown | Y Hooks | Y Staton |
| Y Bulloch | Y Hudgens | Y Stephens |
| Y Butler | Y Johnson | Y Stoner |
| Y Cagle | Y Jones | Y Tate |
| Y Carter | Y Kemp | Y Thomas,D |
| Y Chance | Y Me V Bremen | Y Thomas,R |
| Y Chapman | Y Miles | Y Thompson,C |
| Y Douglas | Y Moody | Y Thompson,S |

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| Y Fort | Y Mullis | Y Tolleson |
| Y Goggans | Y Pearson | Y Unterman |
| Y Golden | Y Powell | Walker |
| Y Grant | Y Reed | Y Weber |
| Hamrick | Y Rogers | Y Whitehead |
| Y Harbison | Y Schaefer,N | Y Wiles |
| Y Harp | Y Seabaugh | Y Williams |
| Heath | Y Seay | Zamarripa |
| Y Henson | Y Shafer,D | |

Senator Johnson of the 1st introduced the doctor of the day, Dr. Stephen Rashleigh.

Senator Stephens of the 27th moved that the Senate adjourn until 10:00 a.m. Tuesday, January 25, 2005.

The motion prevailed, and the President announced the Senate adjourned at 1:42 p.m.